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COUNSEL FOR INTERVENOR

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

<p>TANYA GERSH,</p> <p>Plaintiff,</p> <p>and</p> <p>TIMOTHY C. FOX, in his official capacity as the Attorney General for the State of Montana,</p> <p>Intervenor,</p> <p>v.</p> <p>ANDREW ANGLIN,</p> <p>Defendant.</p>	<p>Case No. CV 17-50-M-DLC-JCL</p> <p><b>INTERVENOR'S JOINDER IN PLAINTIFF'S MOTION</b></p>
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Intervenor Timothy C. Fox joins in Plaintiff Tanya Gersh's motion for a default judgment (Doc. 201). For the reasons set forth below and in Gersh's motion, this Court should grant the motion.

On April 22, 2019, Intervenor served counsel for Defendant with a Notice of Intent to Take Defendant's Deposition at 9:00 a.m. on April 30, 2019. *See* Attached Ex. 1. For the convenience of the parties, Intervenor coordinated the deposition with Gersh's deposition of Anglin. The same day, the Court conducted a status conference and cautioned Anglin that if he failed to appear for his deposition, "the Court will enter Anglin's default in this matter." (Doc. 182.)

On April 30, 2019, counsel for Gersh appeared at the date and time of the noticed depositions. Counsel for Anglin and Intervenor appeared by telephone. After one hour, Gersh's counsel went on record to note Anglin's failure to appear. (*See* Doc. 201 at 3.)

Based on Anglin's failure to appear, the Court directed the Clerk of Court to enter Anglin's default as a discovery sanction. (Doc. 186.) The Clerk of Court filed an Entry of Default on April 30, 2019. (Doc. 188.)

For the reasons set forth above and in Gersh's motion and supporting brief, Gersh and Intervenor are entitled to a final judgment by default adjudicating all the claims pursuant to Federal Rule of Civil Procedure 54(b).

DATED the 25<sup>th</sup> day of June, 2019.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using cm/ecf system.

Participants in the case who are registered cm/ecf users will be served by the cm/ecf system.

Dated: June 25, 2019

/s/ Hannah E. Tokerud  
HANNAH E. TOKERUD  
Assistant Attorney General  
Counsel for Intervenor